REMARKS

This responds to the Final Office Action mailed on November 25, 2008.

Claims 1, 11, 12, 20-24, 26 and 27 are amended, claims 32 and 35 are canceled, and no new claims are added; as a result, claims 1-31, 33 and 34 are now pending in this application.

Claim Objections

Claim 27 was objected to as being informal, the claimed "said set top box" lacking proper antecedent basis. In response, Applicants have amended claim 27 to remove all references to a "set top box".

Claim 27 has been amended to now refers to include a "video controller" that receives the presentation description. Support for this amendment can be found in **Figure 2** wherein video controller **218** receives presentation description **216**. Note that the video controller **218** also receives the local preferences **252** such that the video controller **218** can control how images in the memory (video RAM **222**, **226**, and **230**) can be combined with video combiner **232**.

§103 Rejection of the Claims

Claims 1-31 and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheok (U.S. Patent No. 6,934,906) in view of Shahine (U.S. Patent No. 7,082,576). Applicants respectfully traverse. Applicants believe that the claimed application is patentable over a combination of the Cheok reference and the Shahine reference.

Before directly addressing the examiner's rejection under 35 U.S.C. § 103, a brief review of the present disclosure is desirable. Referring to **Figure 2**, in the system disclosed in the present patent application, multiple video data streams (**210**, **212**, and **214**) as well as a "presentation description" **216** are received in interactive set-top box systems **200** that are used for outputting video programming **240** to video viewers. Within each interactive set-top box **200**, more than one video decoder (such as video decoders **220**, **224**, and **228**) and memory (such as video RAM **222**, **226**, and **230**) can then decode the multiple video streams, images, and audio simultaneously. The system can then process the presentation description with reference to local user preferences **252** in order to combine the multiple video streams, images, and audio with a

video-combiner **232** to create a combined video signal **236** that will be displayed as video programming to the specific local user. Specifically, the system will use local user preferences to select one manner of combining images from a plurality of different manners provided. **Figure 3** illustrates a very useful example of the system of the present application in operation. In the example of **Figure 3**, two different background images or video (**306** and **308**) may be combined with two different automobile images or video (**302** and **304**) such that four different possible combinations of an advertisement (**310**, **312**, **314**, and **316**) may be created for different viewers. One particular combination of image elements of the four possible combinations will be selected based upon the local user preferences **252**.

The main reference relied upon by the Examiner is the Cheok reference (U.S. Patent No. 6,934,906). The Cheok reference discloses methods for integrating external applications in an MPEG-4 rendered scene. MPEG-4 is a multi-media compression standard that allows a scene to be created from a variety of MPEG-4 defined media objects **541** such as video images, still images, graphics, computer models, text, etc. MPEG-4 may render a scene using a scene description **542** that combines together a set of defined media objects **541** in a deterministic manner such that all systems that receive the same MPEG-4 stream would render the very same scene. However, to alter the MPEG-4 standard, the Cheok reference discloses integration instructions **222** that may be used to integrate external application instructions **229** into the scene. The external instructions **229** can be used to incorporate any type of application window **255** into the MPEG-4 scene. For example, lines 53 to 55 of column 4 in the Cheok reference mention that the application window **255** may contain a "Web Browser, Portable Document Format reader, spread-sheet software, etc." The use of the integration instructions **222** enable the external application instructions **229** to execute which allow for an MPEG-4 scene to incorporate the display of those external application instructions **229**.

The Applicants have further amended the claims to highlight the clear distinction of the disclosed system over that of the Cheok reference. In particular, the present system uses a presentation description comprising a set of instructions which **define a plurality of different manners of combining different media objects** and then the claimed system then selects one of the plurality of different manners of combining different media objects. The selected manner of combining the different media may be selected based upon the user preference information. For

example, amended claim 1 notes that the system specifies "receiving a presentation description in said system, said presentation description comprising a set of instructions that a plurality of different manners in which a portion of said first image and a portion of said second image may be combined" and "selecting a selected manner in which the images are combined from said plurality of different manners of image combinations based upon user preference information in said system". This claimed system allows for multiple different commercials to be broadcast out to the systems and each system will select a particular commercial for that system based up on local user preference information. The final images presented in different system will vary upon the user preference information in those different set top boxes. This differs from an MPEG-4 based system wherein every receiver system will display the same information.

In the Final Office Action mailed on November 25, 2008, the Examiner contends that the Cheok reference discloses a system that provides such a plurality of different manners of combining different media objects and selection of one of those manners. The Applicants respectfully traverse. Specifically, in section 4 of the Examiner's response, the Examiner states "the manner in which the images are combined being selected from at least one of a plurality of manners of combinations [col. 3, l. 61-66] [col. 5, l. 56-67]" Column 3, lines 61 to 66 of the Cheok reference state:

> The MPEG-4 decoder may change the information displayed in response to the MPEG-4 bit-stream or user interaction with MPEG-4 native objects (e.g., by moving the talking head) or the external application may change the information displayed (e.g., by displaying a new HTML page).

The relevant section of this text does indicate that the MPEG-4 may change information displayed. However, it is not the same as claimed. First of all it changes in response to user interaction with the MPEG-4 native objects which is live input as opposed to user preference information as claimed. Furthermore, there is no indication that there are a plurality of different manners of combinations provided wherein one manner of combination is selected from. Thus this text does not anticipate the claimed invention. Column 5, lines 56 to 67 of the Cheok reference state:

> In another embodiment, the reference to an external application in the scene description information that provides for the integration of an external application into the MPEG-4 scene is a MPEG-4 BIFS node. BIFS is an MPEG language for scene description. In an embodiment, the position of the external application, its dimension, whether the application is active or not, ext., may be specified through BIFS scene authoring. A

> scene description written in VRML-like text can be used by a MPEG-4 coder to develop a binary coded version (i.e., BIFS) of the audiovisual information that makes up a scene. BIFS nodes are the scene graph elements that may be used to describe audio-visual primitives and their attributes, along with the structure of the scene graph itself. In an embodiment, the BIFS node contains information that may be used to configure and start the external application. In a further embodiment, the node may be coded and included in a scene description bitstream.

As with the previous section of text, this section of text also fails to disclosed the claimed system wherein "a plurality of different manners in which a portion of said first image and a portion of said second image may be combined" and a selection of "a selected manner in which the images are combined from said plurality of different manners of image combinations based upon user preference information in said system". Instead, this section also simply refers to rendering a scene with a scene description language. Without a specific teaching of a system that contains "a plurality of different manners" in which media components may be combined and a selection of one of those manners, the cited art fails to anticipate or render obvious the presently claimed invention.

The Examiner further buttressed his argument by citing the Shahine reference. Specifically, the Examiner stated:

> Shahine teaches a device that may be embodied as a set top box (col. 5, l. 24) for composing a displayed scene using a presentation description to arrange data objects (Abstract), wherein the arranged objects include images (col. 13, l. 20-29), in a plurality of manners based on a priority associated with the object (Abstract), wherein the priority is determined based on user preference information stored in the device (col. 8, l. 21-35).

But this does not anticipate the invention as previously and presently claimed. The Examiner states that "the arranged objects include images in a plurality of manners based on a priority associated with the object". The claimed invention instead requires "receiving a presentation description in said system, said presentation description comprising a set of instructions that a plurality of different manners in which a portion of said first image and a portion of said second image may be combined" and a selection of "a selected manner in which the images are combined". These are two completely different manners of approaching a problem. In the presently claimed system, a limited number of different manners of combining media elements are presented and one of those different manners are selected. In the system of the Shahine reference, an algorithmic method is used instead **Figure 5** of the Shahine reference discloses the

algorithmic method of the Shahine reference. **Figure 5** contains a flowchart that describes a specific set of steps that are followed:

1. Get the prioritized data (step **500**)
2. Sort the populated data objects in order of priority (step **510**).
3. Determine area available for data display (steps **520** and **550**).
4. Dynamically populate display with prioritized data (step **530**).

In addition to these steps are a set of tests performed to determine if the situation has changed such that the display format must be changed. Specifically, step **540** determines if the display area has changed, step **560** determines if any data priority has changed, and step **570** determines if any data has been changed, added, or deleted. Any of these changes require certain algorithmic steps to be performed again.

These two different methods of approaching a problem each have different pros and cons. The specific system selected by the presently claimed invention is a less flexible system since only a specific limited number of displays may be selected from. However, this system provides greater creative control to the creator of the different possible displays. With the system of the Shahine reference, virtually an unlimited number of different possible display screens are possible since different display areas can be handled, the data objects may be prioritized in a many different manners, and more data objects may be added. Thus, algorithmic-based system of the Shahine reference is more flexible in handling different situations. But that flexibility comes at the cost of losing creative control. For example, certain data prioritizations may yield illogical or unattractive display screens that cannot be avoided. In the end, the system of the present invention opted for a system that provided the creator of the display screens more creative control since advertisers are can be very sensitive on how their products are presented. In the presently claimed system, only those specific combinations available in the presentation description are available for selection no matter how much the local user preference data may vary.

In summary, the claimed system of the present application teaches a new system of creating customized video programming for viewers. In the claimed system, a presentation description is received into the set top box. That presentation description includes a set of

instructions that specify a plurality of different combinations of media elements. Local user information is then consulted in order to select which specific combination will be selected from the plurality of different combinations. The selected combination is then created and displayed locally. All of these elements are present in all of the amended independent claims. No combination of the Cheok reference and/or the Shahine anticipates such a system or renders such a system obvious. Thus, the amended independent claims are allowable over the cited references. The dependent claims include all of the limitations of the allowable independent claims and are thus likewise allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4058 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 26, 2009.

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